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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219962
Party	Plaintiff MMO LIFE B.V.
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Date	07/10/2015
Attachments	Motion to Amend Application.pdf(28572 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No.	86311911
Filed:	June 17, 2014
Mark:	IQUNITE
Published in the Official Gazette:	December 2, 2014

MMO LIFE B.V.,

Opposer,

v.

J THOMAS WHARTON, ESQ.,

Applicant.

Opposition No: 91219962

**MOTION ON CONSENT (a) TO PERMIT POST-PUBLICATION
AMENDMENT; (b) TO SUSPEND OPPOSITION; and (c) FOR
CONDITIONAL DISMISSAL OF OPPOSITION WITH PREJUDICE**

Opposer MMO Life B.V. (“Opposer”) and Applicant J. Thomas Wharton, Esq. (“Applicant”) hereby move to amend the identification of the goods and services of the mark IQUNITE contained in U.S. Trademark Application No. 86311911, which application is the subject of the above-captioned Opposition proceeding; to suspend the Opposition proceeding pending the Board’s review of the amendment; and to dismiss the Opposition proceeding with prejudice conditioned upon acceptance of the post-publication amendment.

For its amendment, Applicant proposes, with Opposer’s consent, to change the identified goods and services in International Class 35 of U.S. Trademark Application No. 86311911 from the following:

Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising services, namely, promoting and marketing the goods and services of others through all public communication means; Affiliate marketing; Development of marketing strategies, concepts and tactics, namely, audience

development, brand awareness, customer relations, online community building and digital word of mouth communications; Online service for connecting social network users with retailers for the purpose of facilitating discounted purchases; Providing business information in the field of social media

by limiting the form and use of the language of the goods and services identified in International Class 35, as shown by the following redlined addition:

Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising services, namely, promoting and marketing the goods and services of others through all public communication means; Affiliate marketing; Development of marketing strategies, concepts and tactics, namely, audience development, brand awareness, customer relations, online community building and digital word of mouth communications; Online service for connecting social network users with retailers for the purpose of facilitating discounted purchases; Providing business information in the field of social media, all of the above services excluding brokerage services related to games, gaming, and/or the gaming industry

to the following revised identification of goods and services in International Class 35:

Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising services, namely, promoting and marketing the goods and services of others through all public communication means; Affiliate marketing; Development of marketing strategies, concepts and tactics, namely, audience development, brand awareness, customer relations, online community building and digital word of mouth communications; Online service for connecting social network users with retailers for the purpose of facilitating discounted purchases; Providing business information in the field of social media, all of the above services excluding brokerage services related to games, gaming, and/or the gaming industry

The Parties believe the amendment to Class 35 to be appropriate in that it is clearly limiting and restricting in nature under TMEP 1505.02(a) and 37 C.F.R. § 2.71(a) because the amendment excludes certain services.

The purpose of this Joint Motion is to put into effect the terms of a settlement reached by the Parties which would avoid further proceedings before the Board.

The Parties also jointly move to suspend the above-referenced opposition pending review of the proposed amendment.

The Parties further consent that upon the approval and entry of the proposed amendment to U.S. Trademark Application No. 86311911, the above-captioned Opposition proceeding, and all claims asserted therein, be dismissed with prejudice.

WHEREFORE, the Parties respectfully request the Board to allow the post-publication amendment, to suspend this Opposition pending review of the amendment, and to dismiss this Opposition with prejudice conditioned upon acceptance of the amendment.

Dated: July 10, 2015

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CERTIFICATE OF SERVICE

I, Thomas J. Mango, Esq., counsel to Opposer MMO Life B.V. in Opposition Proceeding No. 91219962, certify that, on the 10, day of July, 2015, I served a copy of the foregoing, via electronic mail, by agreement, upon:

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